

Ralph J. Rohay, Esq
309 W. Lake Mead Pkwy., Ste. B
Las Vegas, Nevada 89015
Telephone: (702) 737-1122
Facsimile: (702) 737-3110
ralphrohay@yahoo.com

Daniel T. Ryan, Esq. (*Pro Hac Vice*)
BOLLWERK & RYAN, LLC
10525 Big Bend Boulevard
St. Louis, Missouri 63122
Telephone: (314)315-8111
Facsimile: (314)315-8113
dtr@bollwerkryan.com

Bradley D. Kuhlman (*Pro Hac Vice*)
Chad C. Lucas (*Pro Hac Vice*)
THE KUHLMAN LAW FIRM, LLC.
1100 Main Street, Suite 2550
Kansas City, Missouri 64105
Telephone: (816) 799-0330
Facsimile: (816) 799-0336
brad@kuhlman-law.com
chad@kuhlman-law.com

Attorneys for Plaintiffs

**UNITED STATES COURT
DISTRICT OF NEVADA**

KATHRYN A. NIEMEYER, individually and
As the Representative of the Estate of
ANTHONY NIEMEYER, MARK NIEMEYER,
JESSICA NIEMEYER, and
REBECCA NIEMEYER,

CASE NO. 09-cv-2091-JCM-PAL

Plaintiffs,

VS.

FORD MOTOR COMPANY, a Delaware Corporation; THE HERTZ CORPORATION, a Delaware Corporation; HERTZ RENT-A-CAR, a Corporation.

**ORDER
DENYING DEFENDANT FORD
MOTOR COMPANY'S MOTION
FOR SUMMARY JUDGMENT
AND MOTION FOR SPOILATION
SANCTIONS AND DEFENDANT
THE HERTZ CORPORATION'S
MOTION TO DISMISS**

Defendants.

ORDER

Presently before the court are defendant Ford Motor Company's motion for summary judgment (Doc. #59), defendant Ford Motor Company's motion for spoliation sanctions (Doc. #60) and defendant The Hertz Corporation's motion to dismiss (Doc. # 61).

The court conducted a hearing on August 24, 2011. Bradley Kuhlman and Ralph Rohay appeared in person on behalf of the plaintiffs. Jay Schuttert and Joshua Cools appeared on behalf of defendant Ford Motor Company. Ralph Emerson appeared on behalf of defendant The Hertz Corporation.

Having reviewed and considered the matter,

IT IS SO ORDERED that:

1. Defendant Ford Motor Company's motion for summary judgment is **DENIED**.
 2. Defendant Ford Motor Company's motion for spoliation sanctions is **DENIED**, without prejudice.
 3. Defendant The Hertz Corporation's motion to dismiss is **DENIED**.

DATED this 26 day of September, 2011.

UNITED STATES DISTRICT JUDGE

1 Respectfully submitted,

2 /s/ Chad C. Lucas

3 Bradley D. Kuhlman (*Pro Hac Vice*)
4 Chad C. Lucas (*Pro Hac Vice*)
5 THE KUHLMAN LAW FIRM, LLC.
6 1100 Main Street, Suite 2550
7 Kansas City, Missouri 64105
8 Telephone: (816) 799-0330
9 Facsimile: (816) 799-0336
10 brad@kuhlman-law.com
11 chad@kuhlman-law.com

12 Daniel T. Ryan, Esq. (*Pro Hac Vice*)
13 BOLLWERK & RYAN, LLC
14 10525 Big Bend Boulevard
15 St. Louis, MO 63122
16 Telephone: (314)315-8111
17 Facsimile: (314)315-8113
18 dtr@bollwerkryan.com

19 Ralph J. Rohay, Esq.
20 309 W. Lake Mead Pkwy., Ste. B
21 Las Vegas, NV 89015
22 Telephone: (702) 737-1122
23 Facsimile: (702) 737-3110
24 ralphrohay@yahoo.com
25 Attorneys for Plaintiffs

16 **CERTIFICATE OF SERVICE**

17 I hereby declare under penalty of perjury, that I am over the age of eighteen (18) years,
18 and I am not a party to, nor interested in, this action. On this date, I caused to be served a true
19 and correct copy of the foregoing **PLAINTIFFS' PROPOSED ORDER DENYING**
20 **DEFENDANT FORD MOTOR COMPANY'S MOTION FOR SUMMARY JUDGMENT**
21 **AND MOTION FOR SPOILATION SANCTIONS, AND DEFENDANT THE HERTZ**
22 **CORPORATION'S MOTION TO DISMISS** by electronic service (via Case
23 Management/Electronic Case Filing) to the following:

1 Jay Schuttert
2 Daniel S. Rodman
3 SNELL & WILMER, LLP
4 3883 Howard Hughes Parkway Suite 1100
5 Las Vegas, NV 89169
6 Tel: (702)784-5200
7 Fax: (702)7845252
jschuttert@swlaw.com

8 **Attorneys for Defendant**
9 **FORD MOTOR COMPANY**

10 Phillip R. Emerson, Esq.
11 EMERSON & MANKE, PLLC
12 1055 Whitney Ranch Drive, Suite 120
13 Henderson, NV 89014
14 Telephone: (702) 384-9444
15 Facsimile: (702) 384-9447
kryssy@emersonmanke.com

16 **Attorneys for Defendant**
17 **THE HERTZ CORPORATION**

18 DATED this 15^h Day of September, 2011.

19 /s/ Chad C. Lucas
20 **Attorneys for Plaintiffs**

Kuhlman Law Firm, LLC
1100 Main Street, Suite 2550
Kansas City, Missouri 64105
(816) 799-0330

21
22
23
24
25
26
27
28